

REMARKS

Claims 1 and 3-21 are pending in the present application. Claims 1 and 12 are currently amended. Examiner has allowed Claims 12-21.

Claims 1 and 12

Independent Claims 1 and 12 are amended to delete the language “substantially” in accordance with Examiner’s recommendation during the telephonic interview of November 30, 2007. These claims are now novel despite Examiner’s cited prior art as discussed below. Although Claim 12 was previously allowed, Applicant has amended the language to maintain consistency with independent Claims 1 and 18.

CLAIM OBJECTIONS

Claims 5-9 and 11

Examiner objected to dependent Claims 5-9 and 11 as being dependent upon a rejected base claim (i.e., Claim 1). However, Examiner would allow these objected claims if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Applicant has amended independent Claim 1 to remove the language “substantially.” Amended Claim 1 is novel despite Tancevski (US 2006/0092958). Applicant believes that Claim 1 is now in a condition for allowance. Dependent Claims 5-9 and 11 incorporate fully the limitations of independent Claim 1 and are also believed to be in a condition for allowance. Applicant respectfully requests withdrawal of this claim objection and allowance of the claims as presented herein.

CLAIM REJECTIONS – 35 U.S.C. § 102

Claims 1, 3, 4 and 10

Examiner rejected claims 1, 3, 4, and 10 under 35 U.S.C. § 102(e) as being anticipated by Tancevski (US 2006/0092958). More specifically, Examiner stated:

4. In regards to claim 1, Tancevski discloses a network comprising: a plurality of data channels (figure 2 element 24); a control channel (fig. 2.22); tokens which pass between nodes on the control channel (fig. 4.30); where in tokens advertise availability of receivers at a destination node and notify a source when a transmission did not succeed (paragraph 27). Paragraph 26

indicated round-trip delay can be as low as 0.05 ms. Even waiting another 0.05 ms for the response, data arriving within 0.1 ms has arrived substantially simultaneously.

5. In regards to claim 3, Tancevski discloses notifying a source when transmission did not succeed with a NACK in figure 5 and paragraph 27. Further, paragraph 28 indicates each node is kept current about the status of each node and which channels are in use, so a node is notified if a channel it tried to reserve has already been reserved by a different node.

6. In regards to claim 4, Tancevski discloses the network of claim 1, wherein each node of the network has fewer transmitters and receivers than data channels (Paragraph 27 indicates some or all stations are tunable to only a subset of the channels).

7. In regards to claim 10, Tancevski discloses reserving apparently available receivers at downstream nodes without external confirmation. Figure 6 illustrates the table kept by each node to indicate the availability of other nodes and channels. This information is used to reserve a receiving node.

For a prior art reference to anticipate in terms of 35 U.S.C. § 102, every element of the claimed invention must be identically shown in a single reference. *In re Bond*, 910 F.2d 831, 832-33 (Fed. Cir. 1990). These elements must be arranged as in the claim under review. *Id.*

Tancevski fails to anticipate amended independent Claim 1 because it does not disclose an optical network wherein an announcement token and corresponding data payload both arrive simultaneously at a destination node. Instead, Tancevski requires that a reservation request for data transmission (the equivalent of an “announcement token”) must first be sent around the ring to the desired receiving station. In response to this request, the receiving station then must send a corresponding ACK/NACK around the ring to the sending station before the sending station may send the data payload. The present invention allows the data to be sent with the announcement token so that multiple trips around the ring are obviated.

Accordingly, Applicant believes that Claim 1 is novel despite Tancevski. Because Claims 3, 4, and 10 are dependent on Claim 1, they are novel as well. Applicant respectfully requests Examiner withdraw this rejection and allow the claims as presented herein.

CONCLUSION

Applicant has adopted the Examiner's suggestions, where applicable, and believes the claims are now in condition for allowance. It is respectfully urged that the subject application is patentable over the reference cited by Examiner. Applicant requests reconsideration of the claims and allowance as presented herein. If there are any outstanding issues that the Examiner feels may be resolved by way of a telephone conference, Examiner is cordially invited to contact Steven H. Washam at 972-367-2001.

The Commissioner is hereby authorized to charge any shortages or credit any overpayments to Deposit Account 50-0392.

Respectfully submitted,

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